IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 589 OF 2004

SMT. ANTONETA MIRANDA,MARGAO GOA. ....Petitioners

Versus

THE ASSISTANT ENGINEER AND 3 ORS., ...Respondents

Mr A. F. Diniz, advocate for the petitioner.
Mr. S. S. Kantak with Ms. L.Dharvadkar, advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 25th August, 2005

P.C.

Heard the learned counsel for the petitioner. The learned Executing Court observed thus:-

"In view of the above, in the present matter, the due process of law for acquiring land for constructing road has been complied with and possession of the acquired land has also been taken over. The acquired land absolutely vests with the acquiring department. The Decree in Regular Civil Suit No.770-2000/II, sought to be executed, has become infructuous. Learned advocate Shri R.M. Lotlikar has stated that the amount of acquired land which could go to the Decree holder is still lying with the Department."

For the reasons stated by the Executing Court, obviously nothing further was required in execution of the decree dated 3rd January, 2001.

The impugned Order does not suffer from an error of jurisdiction.

The Writ Petition is dismissed in limine.

R. M. LODHA, J.